

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 17A.7, 476.1, 476.1A, 476.1B, and 476.20, and 2010 Iowa Acts, Senate File 2297, the Utilities Board (Board) gives notice that on May 21, 2010, the Board issued an order in Docket No. RMU-2010-0001, In re: Disconnection of Residence with a Deployed Service Member, “Order Commencing Rule Making.” The Board is noticing for public comment proposed amendments to 199 IAC 19.4(476) and 20.4(476). The proposed amendments reflect changes to Iowa Code section 476.20(3) contained in 2010 Iowa Acts, Senate File 2297, which was signed by the Governor on April 27, 2010, and becomes effective on July 1, 2010.

2010 Iowa Acts, Senate File 2297, addressed various veterans and military service issues, among which was a provision amending Iowa Code section 476.20, which deals with disconnection of utility service. 2010 Iowa Acts, Senate File 2297, amends Iowa Code subsection 476.20(3) by adding the following unnumbered paragraph:

The rules established by the board shall provide that a public utility furnishing gas or electricity shall not disconnect service to a residence in which one of the heads of household is a service member deployed for military service, as defined in section 29A.90, prior to a date ninety days after the end of the service member’s deployment, if the public utility is informed of the deployment.

The proposed amendments to 199 IAC 19.4(476) and 20.4(476) reflect these changes, prohibiting disconnection in circumstances outlined by the statute and amending the customer rights and remedies descriptions in Chapters 19 and 20.

The Board notes that 2010 Iowa Acts, Senate File 2297, only addresses disconnection of gas or electric service; there is no forgiveness of the public utility’s charges, and the customer’s liability for the account is unaffected. This is consistent with the long-standing winter disconnection moratorium of Iowa Code section 476.20, which also prohibits disconnection of service in certain situations but does not require forgiveness of the public utility’s charges.

Pursuant to Iowa Code sections 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before July 6, 2010. The statement should be filed electronically through the Board’s Electronic Filing System (EFS). Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments shall be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive comments on the proposed amendments will be held at 10 a.m. on July 27, 2010, in the Board’s hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board's general waiver provision in 199 IAC 1.3(17A,474,476,78GA,HF2206) is applicable to these amendments.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A, and 476.1B and section 476.20 as amended by 2010 Iowa Acts, Senate File 2297.

The following amendments are proposed.

ITEM 1. Amend subparagraph **19.4(15)“d”(3)**, summary of customer rights and responsibilities, by adding the following new paragraph “g” to the response to question 6:

g. If one of the heads of household is a service member deployed for military service, utility service cannot be shut off during the deployment or within 90 days after the end of deployment. In order for this exception to disconnection to apply, the utility must be informed of the deployment prior to disconnection. However, you will still owe the utility for service used during this time.

ITEM 2. Adopt the following new subparagraph **19.4(15)“d”(10)**:

(10) Deployment. If the utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

ITEM 3. Amend subrule 19.4(17) as follows:

19.4(17) When disconnection prohibited.

a. No disconnection may take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

b. If the utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

ITEM 4. Amend subparagraph **20.4(15)“d”(3)**, summary of customer rights and responsibilities, by adding the following new paragraph “g” to the response to question 6:

g. If one of the heads of household is a service member deployed for military service, utility service cannot be shut off during the deployment or within 90 days after the end of deployment. In order for this exception to disconnection to apply, the utility must be informed of the deployment prior to disconnection. However, you will still owe the utility for service used during this time.

ITEM 5. Adopt the following new subparagraph **20.4(15)“d”(11)**:

(11) Deployment. If the utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

ITEM 6. Amend subrule 20.4(17) as follows:

20.4(17) When disconnection prohibited.

a. No disconnection may take place from November 1 through April 1 for a resident who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

b. If the utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.